

Appl. Ser. No.: 10/628,369
Docket No.: 200310137-1

PATENT

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-39 are pending in the present application, of which, Claims 1, 16, 24, 27, 29, and 33 are independent.

Restriction Requirement

The aforementioned Official Action asserts that the present application contains claims that are directed to two patentably distinct species of the claimed invention. As defined in the Official Action, these species are:

Species I: the combination of detecting/reader system.

Species II: the combination of infrared/imaging system.

A requirement to elect a single disclosed species of the two identified species has been imposed on the basis that the above-identified species are allegedly patentably distinct from each other. In addition, the Official Action alleges that no claim is generic.

In response to that election of species requirement, Applicants hereby elect, with traverse, Species I of the invention. Claims 1-26 and 29-39 are readable on the elected species. At least Claims 1, 11-17, 19-26, 29-36, 38, and 39 are considered to be generic to Species I and II.

The election is made with traverse because it is believed that some or all of the claims associated with the non-elected species of this application can be concurrently examined with the claims of the elected species without serious burden. For instance, Claims 27 and 28

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pertain to a system for detecting at least one environmental condition in a room through use of one or more infrared image sensors, which is similar to Claim 12. More particularly, Claim 12 includes that the one or more reader devices comprise at least one of an imaging device and an infrared reader. It is respectfully submitted that the search required for the claims of the above-identified non-elected species would likely be co-extensive with that required for the claims of the elected species, because these species include embodiments involving a reader device that includes at least one of an imaging device and an infrared reader. It is thus submitted that no serious burden would result if at least a couple of the embodiments of this application were examined concurrently.

In light of the foregoing, withdrawal of the restriction requirement and examination of all of the claims of this application, including Claims 1-26 and 29-32 directed to elected Species I are respectfully submitted.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the above-identified application, please contact the undersigned at the telephone number listed below.


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Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: September 16, 2005


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